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July 27, 2021

VIA ECF

Hon. Sarah L. Cave
U.S. Magistrate Judge
U.S. District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Plaintiffs' request for a conference (ECF No. 137) is GRANTED. A telephone conference is scheduled for **Tuesday, August 3, 2021 at 3:00 pm** on the Court's conference line. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time. The Clerk of Court is respectfully directed to close ECF No. 137.

SO ORDERED 7/28/2021


SARAH L. CAVE
United States Magistrate Judge

Re: Precision Medicine Group, LLC, et al. v. Blue Matter, LLC, et al., Case No. 1:20-cv-02974

Dear Magistrate Judge Cave:

This firm represents the plaintiffs, Precision Medicine Group, LLC, PRECISIONadvisors Group, Inc., and Precision Medicine Group Holdings, Inc. (collectively, "Precision" or the "Company") in the above-referenced matter. We write pursuant to Rule II.C.2 of Your Honor's Individual Practices to request a conference to resolve an important discovery dispute between the parties. Specifically, as set forth in more detail below, a number of facts have recently come to light which strongly suggest that defendant Blue Matter, LLC's process for producing responsive documents failed to include a complete search of its electronic document management system - Google Drive - and that Blue Matter's production may have omitted critical documents concerning its market access practice and its continued use of Precision's trade secrets and confidential information. To address this serious and well-founded concern, Precision has requested to take one additional deposition of the Blue Matter employee most knowledgeable about Blue Matter's document systems and the coordination of its document production efforts. Because Blue Matter has refused Precision's request, Precision now seeks Your Honor's assistance to resolve this critical issue.¹

Precision's Position

As set forth in its Amended Complaint, Precision alleges, among other things, that Blue Matter misappropriated its trade secrets and other confidential information in an effort to establish a competing pharmaceutical market access consulting business. Documents produced in discovery have largely substantiated this claim.² However, when questioned at deposition, each of Blue Matter's witnesses testified that they did nothing to search for responsive documents in their

¹ On Thursday, July 15, 2021, at 3:00 p.m., the parties met and conferred by phone regarding this issue for approximately 30 minutes (representing Precision on the call were myself and my colleagues Eric Raphan and Adam Pekor; representing Blue Matter was Phil Strach of Nelson Mullins Riley & Scarborough LLP). After the parties were unable to reach an agreement on this issue, Precision advised Blue Matter that it would be requesting a conference with the Court.

² For example, former individually named defendant Naina Ahmad ("Ahmad") produced a draft of a proposal that Blue Matter submitted to a prospective client which contained multiple slides that were identical to slides from earlier Precision or Insight Strategy Advisors ("ISA") proposals. Likewise, Jauregui testified that he saved Precision files onto a Blue Matter laptop and produced documents concerning Blue Matter's market access capabilities which included numerous references to information developed by Precision and ISA. However, Blue Matter itself failed to produce a number of these documents referencing Precision/ISA.